

¶ 24 - Reference to Involvement at the Jail in a Fight

The Defendant objects to the characterization of the incident described in ¶ 24 as a “fight.” The matter does not affect the sentencing guideline range, and the objection is denied.

¶¶ 65, 72 - Specific Narrative Information

The Defendant objects to the information stating that the Defendant spat on officers when approached in conjunction with an incident that led to the prior conviction reported at ¶ 65 and that he was the aggressor in a domestic incident as stated in ¶ 72. The information has no effect on the guideline application, and the objections are denied.

IT IS ORDERED:

1. The parties are notified that my tentative findings are that the Second Revised PSR is correct in all respects;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and
4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 25th day of July, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge